

REMARKS

The Examiner required restriction of one of the following :

Group I, drawn to a pulverent magnetic material; Species IA including claim 8; or Species Group IB, including claims 9 and 20; or

Group II, drawn to a yoke structure; Species IIA including claim 10; or Species IIB including claim 10; or

Group III, drawn to a sensor; Species IIIA including claim 12; or Species IIIB including claim 12; or

Group IV, drawn to a switching device; Species IVA including claim 16; or Species IVB including claim 16.

A brief telephone interview was conducted on September 18, 2008 with Examiner Ramon Barrera to clarify the grouping of the species as set forth in the Office Action. The Examiner indicated that a complete response to the outstanding Office Action would include an election of one of the identified species in each of the identified groups.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group IA, IIA, IIIA and IVA including claims 1-8, 10-19 and 21. Applicant specifically reserves the right to file a divisional application directed to non-elected claims 9 and 20. Claims 1-7, 10-13, 16-19 and 21 are generic.

Applicants traverse the Restriction and Election of Species Requirement on the basis that the species listed allegedly do not relate to a general inventive concept under PCT Rule 13.1 because they "possess different structure".

PCT Rule 13.1 requires an international application to relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

Applicants submit that the subject matter of claims 1-21 is so linked that they form a single general inventive concept as defined under PCT Rule 13.2 which recites that the requirements of unity of invention shall be fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding technical features. The expression "special technical features" means those features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Thus, the allegations in the Office Action that the species lack the same or corresponding technical features because they "possess different structure" is not proper grounds to restrict the claims under PCT Rule 13.1. Rather, as long as the alleged inventions involve one or more of the same or corresponding technical features, there is unity of invention.

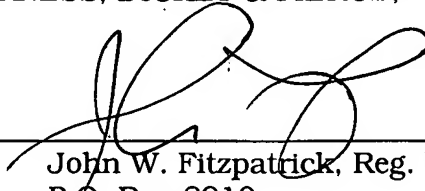
For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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